

Magistrate Barbara Moses
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 20A
New York, NY 10007
(212) 805-0228

USDC SDNY
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Jones
Law Firm P.C.

March 31, 2025

MEMO ENDORSED

Application GRANTED. Plaintiff having withdrawn its motion for default judgment dated March 10, 2025, the Clerk of Court is respectfully directed to close Dkt. 51. SO ORDERED.


Barbara Moses, U.S.M.J. 4/3/25

Re: 1:24-CV-09309 *Heritage Integrity Investment Trust v
Computershare Trust Company, N.A., et al*

Dear Honorable Magistrate Moses,

I am the attorney for the Plaintiff in this action.

Plaintiff has a motion pending for a Default Judgment against Ruwack Irrevocable Trust ("Ruwack").

I write today to ask to withdraw this motion, without prejudice.

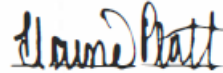
I intend to file later today, a motion to Amend the Complaint against Ruwack. If this motion is granted, the Amended Complaint would have to be served on Ruwack, and then Ruwack would have an additional 21 days from its receipt of service, in which to Answer. This would make the pending Default motion a nullity. But if Ruwack should fail to Answer the Amended Complaint, Plaintiff would then want to seek a Default Judgment.

Plaintiff's reason for wanting to amend the Complaint, (as will be spelled out in detail in our motion papers), is that Ruwack has committed malfeasance and breach of contract, which has just been brought to our attention.

Permitting the withdrawal of our pending Default motion would not prejudice Ruwack. Indeed, it would give Ruwack the additional time to engage an attorney, that it has been repeatedly asking for.

Thank you for your kind attention.

Respectfully submitted,

A handwritten signature in blue ink, reading "Elaine Platt", is positioned above a horizontal line.

Elaine, Platt, Esq., Of Counsel

Jones Law Firm, P.C.

5 Tudor City Place

New York, NY 10017

Office: (212) 258-0685

Direct: (646) 602-1489

elaine@joneslawnyc.com

Attorneys for Plaintiff